

REMARKS

The Applicants have now had an opportunity to carefully consider the comments set forth in the Office Action mailed July 14, 2005. The claim rejections are respectfully traversed. Amendment, reexamination and reconsideration of the application are respectfully requested.

The Office Action

In the Office Action mailed July 14, 2005, **claim 4** was objected to for including a typographical error;

claims 1-5, 7 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,930,700 to Pepper, et al. ("Pepper") in view of U.S. Patent No. 4,277,649 A1 to Sheinbein ("Sheinbein");

claims 6 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Sheinbein and further in view of U.S. Patent No. 5,826,185 to Wise, et al. ("Wise");

claims 10-15 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of U.S. Patent No. 6,564,047 B1 to Steele, et al. ("Steele");

claims 16, 18 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele and further in view of Wise;

claims 17, 22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele and further in view of Sheinbein;

claims 19 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele and Wise and further in view of U.S. Patent No. 6,745,025 B1 to Chow, et al. ("Chow");

claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele, Sheinbein and Wise; and

claims 25-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Sheinbein and Wise.

The Present Application

By way of brief review, the present application is directed toward systems and methods for screening calls on the basis of a priority assigned to the calling party and a current cost (monetary or opportunity) to a communications service subscriber. For

example, a calling line identification or PIN is used to identify the calling party and to find a priority level assigned to the calling party by the subscriber. An applicable billing category is determined (e.g., a night or weekend, peak, or mobile-to-mobile billing category). Additionally, or alternatively, an unused amount of air time or message units in a basic allotment of message units or air time is determined. If, given the amount of remaining message units or the cost of message units, the priority level assigned to the calling party justifies call completion, user equipment of the calling party is connected to the user equipment of the subscriber. Otherwise, user equipment of the calling party is connected to a message service or call completion is denied (Abstract).

The Cited References

In contrast, as stipulated by the Office Action, the primary reference of the Office Action to Pepper is directed to a system and method for automatically screening and directing incoming calls that does not include screening calls based on current cost of message units.

It is respectfully submitted that the secondary references do not cure this deficiency of Pepper.

For example, Sheinbein allegedly discloses a method and apparatus for screening telephone calls. According to Sheinbein, a called customer can screen calls incoming to his station based on the identity of the calling line. The calling line's identity is forwarded to the switching office containing the customer's screening memory. The memory is interrogated to ascertain the call disposition based on information previously put in the memory by the called customer. A selective call waiting, selective call forwarding, priority ringing and other customized services are contemplated (Abstract). One customized service mentioned by Sheinbein is an auto collect service (see FIG. 9). However, Sheinbein does not disclose or suggest screening calls or performing the auto collect service based on a current cost of message units. Instead, Sheinbein discloses that if a called customer has automatic collect service activated in his memory, he will automatically accept charges for all calls incoming from the designated calling customer (column 8, lines 8-11).

Sheinbein also explains that in the prior art, insofar as billing in a telephone system is concerned, most calls are billed to the calling customer. Although some calls can be billed to the called customer or to a third party, these calls require the service of an attendant to ascertain whether the party to be billed will accept the charges (column

1, lines 42-47). It is respectfully submitted that nothing in Sheinbein discloses or suggests that a determination made by an attendant as to whether a called party will accept charges is made on the basis of a current cost of message units. Indeed, it is respectfully submitted that since Sheinbein seeks to automate collect call processing, thereby removing the attendant from the process. Since the automation solution disclosed by Sheinbein treats calls as collect solely on the basis of the identity of the calling party (FIG. 9, column 8, lines 8-11), Sheinbein at least implies that the determination made by the attendant is also made solely on the basis of the identity of the calling party.

Wise allegedly discloses a cellular phone system in which a cellular phone user (CPU) has a cellular phone with a prepaid amount of available air time. The CPU prepays for a particular number of airtime units. When a cell site receives a call from the CPU, the cell site communicates with a mobile telecommunications switching office (MTSO), which recognizes a unique serial number from the cellular phone. The MTSO directs the call to a prepaid airtime transaction tracking interface (PATTI). The PATTI then checks whether the CPU's account has any available airtime units and may indicate the number of units to the CPU. If none, the PATTI does not answer the call; otherwise, the PATTI connects the call and deducts airtime units until the call is disconnected (Abstract). It is respectfully submitted that Wise does not disclose or suggest screening calls or screening calls on the basis of a current cost of message units.

The Office Action appears to rely on Wise for disclosure of screening calls comprising completing the requested call to a mobile device of the subscriber if the current ration state is unrestricted. However, the portions of Wise cited by the Office Action are, for the most part, directed to processing an outgoing call from a subscriber (i.e., CPU) and not screening calls incoming to the subscriber. The one exception found by the Applicants occurs at column 3, lines 40-43, wherein it is explained that the MTSO is programmed, based on the CPU's choice, to block incoming calls or having the calling party pay. It is respectfully submitted that Wise does not disclose or suggest screening calls or making call screening decisions based on a current cost of message units.

Steele allegedly discloses a system and method of communications usage management for multiple network devices such as cellular telephones in a telecommunications network. A management database is provided for storing

communications attributes for at least one network device. The stored communications usage attributes serve as criteria for regulating access of the network devices to the system. The users of the devices may purchase a quantity of transferable units, such as usage minutes over the system network, with the units being redeemable for goods and/or services on the system, thus facilitating transfer of units between users. It is respectfully submitted that Steele does not disclose or suggest screening incoming calls. Moreover, it is respectfully submitted that Steele does not disclose or suggest screening incoming calls on the basis of a current cost of message units.

The Office Action appears to rely on Steele for disclosure of determining a current air time ration state associated with a subscriber and processing call request according to the current ration state. However, it is respectfully submitted that even if the air time "bins" of Steele are to be interpreted as being related to a current ration state, it is respectfully submitted that the bins of Steele are related to outgoing calls (e.g., see column 6, line 5 -- column 7, line 3; FIG. 2, reference numeral 100; column 7, lines 4-64).

Chow allegedly discloses time-of-day call forwarding in a wireless centrex services system. According to Chow, a wireless telephone subscriber can use a standard cellular/PCS telephone as a wireless extension of their desktop phone, while in the proximity of miniature radio base station capable of communicating with the PCS/cellular telephone. The advantage of such a system is that a subscriber can use the same cellular/PCS telephone that provides a service in the public network in the wireless centrex environment. Additionally, the wireless centrex system provides services and features which are similar to those offered to regular centrex telephone subscribers. Exemplary features include, caller ID, call waiting, call hold, call transfer, call forwarding and voice messaging (Abstract). The Office Action relies on Chow for disclosure of determining a current day of the week and a current time of day.

It is respectfully submitted that Chow does not disclose or suggest screening a call or making screening decisions based on a current cost of message units.

For at least the foregoing reasons, it is respectfully submitted that the claims of the present application are not obvious in light of Pepper, Sheinbein, Wise, Steele and Chow taken alone or in any combination.

Telephone Interview Summary

The participation of the Examiner, Ms. Emem Ekong, in the telephone interview

with one of the representatives of the Applicants, Mr. Thomas Tillander, on August 31, 2005 is noted with appreciation. During that brief conversation, the Sheinbein patent was discussed with reference to, for example, **claim 1**. It was agreed that Sheinbein did not disclose or suggest screening calls based on a current cost of message units as recited, for example, in **claim 1**, and that rejections that relied on Sheinbein for such disclosure would be withdrawn.

The Claims are Formal

Claim 4 was objected to for including a typographical error. However, **claim 4** has been amended as suggested by the Office Action. Withdrawal of the objection to **claim 4** is respectfully requested.

The Claims are not Obvious

Claims 1-5, 7 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Sheinbein.

In explaining the rejection of independent **claim 1**, the Office Action stipulates that Pepper fails to disclose screening calls based on a current cost message unit. Additionally, as indicated in the summary presented above, the Examiner agreed during a telephone interview that Sheinbein fails to disclose screening calls based on a current cost of message units as recited in **claim 1**.

Therefore, for at least the foregoing reasons, **claim 1**, as well as **claims 2-9**, which depend therefrom, is not anticipated and is not obvious in light of Pepper and Sheinbein taken alone or in any combination.

Additionally, **claim 7** recites requesting billing information regarding the subscriber from a billing system. In explaining the rejection of **claim 7**, the Office Action directs the attention of the Applicants to Sheinbein, column 1, lines 42-48, and column 2, lines 1-17, and column 10, lines 9-27. However, it is respectfully submitted that the cited portions of Sheinbein are related to accepting the charges or screening a call according to an identity of a calling party or a calling line identity and do not disclose or suggest requesting billing information regarding the subscriber from a billing system. Additionally, as indicated above, the Examiner agreed that Sheinbein does not disclose or suggest screening a call based on a current cost of message units.

Claim 9 recites requesting billing information regarding the subscriber from a billing system comprising requesting information regarding a current cost to the

subscriber of air time. Arguments similar to those submitted in support of **claim 7** are submitted in support of **claim 9**.

For at least the foregoing additional reasons, **claims 7 and 9** are not anticipated and are not obvious in light of Pepper and Sheinbein taken alone or in any combination.

Claims 6 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Sheinbein and further in view of Wise. However, **claim 6** depends from **claim 1**, and **claim 8** depends from **claim 7**, which depends from **claim 1**. In this regard, arguments similar to those submitted in support of **claims 1 and 7** are submitted in support of **claims 6 and 8**.

Additionally, the Office Action stipulates that Pepper and Sheinbein fail to disclose wherein screening calls comprises completing the requested call to a mobile device of the subscriber if the current ration station is unrestricted as recited in **claim 6** and that Pepper and Sheinbein fail to disclose wherein requesting billing information comprises requesting information regarding unused allocated air time from an allotment of air time in an air time allocation period associated with the subscriber as recited in **claim 8**. The Office Action relies on Wise for such disclosure.

However, it is respectfully submitted that Wise does not disclose or suggest screening calls. It is respectfully submitted that Wise is directed toward processing outgoing calls. For example, column 1, line 50 -- column 2, line 10, cited by the Office Action, is directed to processing that occurs when a cellular phone user (CPU) initiates an outgoing phone call.

For at least the foregoing additional reasons, **claims 6 and 8** are not anticipated and are not obvious in light of Pepper, Sheinbein and Wise taken alone or in any combination.

Claims 10-15 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele.

However, in explaining the rejections of **claims 10 and 30**, the Office Action stipulates that Pepper fails to disclose the method of managing air time comprising determining a current air time ration state associated with the subscriber and processing the call request according to the current ration state. The Office Action relies on Steele for this disclosure and directs the attention of the Applicants to column 5, lines 25-28.

Column 5, lines 25-28, discuss restricted bins which would include telephone numbers and addresses to which the user has limited access. This could include local

calls, favorite games, URLs, etc. The restrictions could be time based (calls are allowed or prohibited during specific times of day) or air time based (user is allowed to use the restricted bin for a specific number of air time minutes). Each bin would also have a flag to allow soft or hard restriction.

However, it is respectfully submitted that even if the air time (bins) of Steele are to be interpreted as being related to a current ration state, it is respectfully submitted that the bins of Steele are related to outgoing calls. For example, see column 6, line 5, through column 7, line 3; FIG. 2, reference numeral 100; and column 7, lines 4-46. Therefore, it is respectfully submitted that the combination of Pepper and Steele does not disclose or suggest processing a call request from a calling party according to the current ration state associated with a subscriber and the priority of the calling party.

For at least the foregoing reasons, **claim 10**, as well as **claims 11-24**, which depend therefrom, and **claim 30** are not anticipated and are not obvious in light of Pepper and Steele taken alone or in any combination.

Additionally, with regard to **claim 15**, it is respectfully submitted that, while the cited portions of Steele discuss air time, time limits and exceeding time limits, Steele does not disclose or suggest determining a remaining air time allocation period fraction associated with the subscriber, determining a remaining air time allocation fraction associated with the subscriber or determining a remaining air time allocation period to air time allocation air time fraction ratio associated with the subscriber. Therefore, it is respectfully submitted that the combination of Pepper and Steele does not disclose or suggest determining the current air time ration state based on the air time allocation period to air time allocation fraction ratio. For example, please compare the disclosure found, for example, on page 8, line 20 -- page 9, line 2, with the subject matter cited against **claim 15** in the Office Action.

For at least the foregoing additional reasons, it is respectfully submitted that **claim 15** is not anticipated and is not obvious in light of Pepper and Steele taken alone or in any combination.

Claims 16, 18 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele and further in view of Wise.

However, **claims 16, 18 and 21** depend from **claim 10** and are not anticipated and are not obvious for at least that reason.

Additionally, the Office Action stipulates that the combination of Pepper and Steele fails to disclose that determining current air time ration state associated with the

subscriber comprises calculating the current air time ration state based on a function of remaining allocated air time in an air time allocation period and connecting the calling party to a message service if the current ration state is at a maximum restriction and relies on Wise for such disclosure.

However, as explained above, Wise does not disclose or suggest screening incoming calls but, rather, discusses processing outgoing calls placed by a prepaid cellular phone user (CPU). Therefore, it is respectfully submitted that Wise does not disclose or suggest connecting a calling party (i.e., separate from the subscriber) to a message service if the current ration state is at a maximum restriction and the priority level of the calling party is low as recited in **claim 21**. Column 1, line 58, -- column 2, line 20, discuss processing an outgoing call generated by the subscriber or CPU. As does column 3, line 15 -- column 4, line 44, except that column 3, lines 40-43, discuss either blocking incoming calls or having the calling party pay for the incoming call. Furthermore, it is respectfully submitted that while Wise discusses prepaid air time and deducting minutes from the cellular phone user's account (e.g., column 2, lines 8-9), it is respectfully submitted that Wise does not disclose or suggest calculating a current air time ration state based on a function of remaining allocated air time as recited in **claim 16** or determining a current time associated with the subscriber, determining a remaining air time allocation associated with the current time and determining the current air time ration state as a function of the remaining air time allocation as recited in **claim 18**.

For at least the foregoing additional reasons, **claims 16, 18 and 21** are not anticipated and are not obvious in light of Pepper, Steele and Wise taken alone or in any combination.

Claims 17, 22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele and further in view of Sheinbein.

However, **claims 17, 22 and 24** depend from **claim 10** and are patentably distinct for at least that reason. Additionally, arguments similar to those submitted in support of **claim 1** are submitted in support of **claims 17, 22 and 24**. The Examiner agreed that Sheinbein does not disclose or suggest making decisions based on a current subscriber cost of air time as recited in **claim 17** or requesting information regarding the current cost to the subscriber of air time as recited in **claim 24**. Additionally, it is respectfully submitted that Sheinbein and, therefore, the combination of references, does not disclose or suggest requesting billing information regarding the

subscriber from a billing system as recited in **claim 22**.

For at least the foregoing additional reasons, **claims 17, 22 and 24** are not anticipated and are not obvious in light of Pepper, Steele and Sheinbein taken alone or in any combination.

Claims 19 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele and further in view of Wise and further in view of Chow.

However, **claims 19 and 20** depend from **claim 18**, which depends from **claim 10**. In this regard, arguments similar to those submitted in support of **claims 10 and 18** are submitted in support of **claims 19 and 20**. Additionally, it is respectfully submitted that motivation to combine the four references, Pepper, Steele, Wise and Chow, can only have been found in the present application. Therefore, it is respectfully submitted the rejection of **claims 19 and 20** are based on impermissible hindsight.

Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele and further in view of Sheinbein and further in view of Wise. However, **claim 23** depends from **claim 22**, which depends from **claim 10**. Arguments similar to those submitted in support of **claims 10 and 22** are submitted in support of **claim 23**. Additionally, it is respectfully submitted that the motivation to combine the four references, Pepper, Steele, Sheinbein and Wise, can only have been found in the present application. Therefore, the rejection of **claim 23** is based on impermissible hindsight.

Claims 25-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Sheinbein as applied to **claim 1** and further in view of Wise. In this regard, arguments similar to those submitted in support of **claim 1** are submitted in support of **Claims 19 and 20**. Pepper, Sheinbein and Wise do not disclose or suggest a message unit conserving operative to determine a priority of a calling party based on a list of potential callers and to determine a current message unit ration state based on a current cost of message units to the subscriber. For example, the Office Action relies on Sheinbein for disclosure of a system operative to conserve message units for a subscriber comprising to determine a current message unit ration state based on the current cost of message units to the subscriber. However, the Examiner has agreed that Sheinbein does not disclose or suggest making call processing decisions based on the current cost of message units to the subscriber.

For at least the foregoing reasons, **claim 25**, as well as **claims 26-29**, which depend therefrom, are not anticipated and are not obvious in light of Pepper, Sheinbein

and Wise taken alone or in any combination.

Additionally, in explaining the rejection of **claim 26**, the Office Action asserts that the combination of Pepper, Sheinbein and Wise discloses the system of **claim 25** wherein the message unit conservator is operative to determine the current message unit ration state based on a current opportunity cost measured in terms of remaining message units from a basic allotment of message units in a message unit allocation period and directs the attention of the Applicants to Sheinbein, column 1, lines 45-48, and Wise, column 1, line 61 -- column 2, line 10, in support of the assertion.

However, as agreed by the Examiner during the telephone interview, Sheinbein does not disclose or suggest making decisions based on cost. Additionally, the cited portion of Wise discusses allowing a prepaid customer to make an outgoing call if any message units are available in the prepaid customers' prepaid allotment. However, it is respectfully submitted that Wise does not disclose or suggest a ration state wherein message units are conserved with an increasing frugality as the number of message units remaining from a message unit allotment is reduced. Therefore, it is respectfully submitted that the combination of Pepper, Sheinbein and Wise does not disclose or suggest a message unit conservator operative to determine the current message unit ration state based on a current opportunity cost measured in terms of remaining message units from a basic allotment of message units in a message unit allocation as recited in **claim 26**.

For at least the foregoing additional reasons, **claim 26** is not anticipated and is not obvious in light of Pepper, Sheinbein and Wise taken alone or in any combination.

In explaining the rejection of **claim 27**, the Office Action asserts that the combination of Pepper, Sheinbein and Wise discloses the system of **claim 25** wherein the message unit conservator is operative to determine a priority of the calling party based on a list of potential callers and to determine a current message unit ration state based on a current cost of message units to the subscriber and cites the same portions of Sheinbein and Wise as cited with regard to **claim 26** in support of the assertion. However, as indicated above, Pepper, Sheinbein and Wise do not disclose or suggest considering a current cost of message units to the subscriber. The cited portion of Wise discusses processing an outgoing call placed by a pre-paid subscriber if the subscriber has any pre-paid minutes remaining in the allotment and does not disclose or suggest the subject matter of **claim 27**.

For at least the foregoing additional reasons, **claim 27** is not anticipated and is

not obvious, in light of Pepper, Sheinbein and Wise taken alone or in any combination.

Arguments similar to those submitted in support of **claims 26 and 27** are submitted in support of **claims 28 and 29**. It is respectfully submitted that Pepper, Sheinbein and Wise do not disclose or suggest the details that are recited in **claims 28 and 29**.

Telephone Interview

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

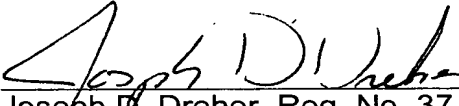
CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-30) are now in condition for allowance.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP

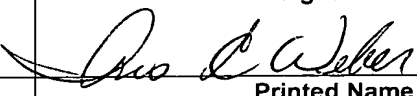
November 30, 2005
Date


Joseph D. Dreher, Reg. No. 37,123
Thomas Tillander, Reg. No. 47,334
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
216-861-5582

CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature 
Date November 30, 2005	Printed Name Iris E Weber

N:\LUTZ\200212\IEW0003086V001.doc